# FILE 15

# FEDERAL COMMUNICATIONS COMMISSION Washington, D. C. 20554

MAY 1 0 2004

OFFICE OF MANAGING DIRECTOR

A. Wray Fitch III Stephen M. Clarke Gammon & Grange, P.C. 8280 Greensboro Drive McLean, VA 22102-3807

Re: Request for Refund of Overpayment of FY 2002 Regulatory Fee and Request for Waiver of Late Penalty Fiscal Year 2003 Regulatory Fee for Stations KVRP-FM and KVRP (AM) Fee Control No. 0209128835861001 Bill No. FY03MM0330

Dear Mr. Fitch and Mr. Clarke:

This is in response to your request dated November 18, 2003, filed on behalf of Rolling Plains Broadcasting Corporation, for a waiver of the \$125.00 late payment penalty for fiscal year (FY) 2003 regulatory fees and a refund of \$625 for overpayment of FY 2002 regulatory fees for Stations KVRP-FM and KVRP(AM). Our records reflect that you have not paid the late payment penalty.

In support of your request, you explain that in September, 2002, Rolling Plains paid \$775 to the Commission via Master Card to cover the \$275.00 regulatory fee for KVRP (AM) and \$500.00 regulatory fee for KVRP-FM. Nevertheless, the Commission subsequently billed Rolling Plains for KVRP-FM's \$500.00 regulatory fee and a \$125.00 late payment penalty. An officer of Rolling Plains sent the Commission a check for \$625 on August 11, 2003, forgetting that Rolling Plains had already paid the regulatory fee for KVRP-FM by credit card. During September and October, 2003, Rolling Plains' counsel requested that the Commission apply KVRP-FM's FY 2002 overpayment to its 2003 regulatory fees, but that request was denied. Rolling Plains paid the \$625 and \$325 FY 2003 regulatory fees for KVRP-FM and KVRP (AM), respectively, in October, 2003. You have requested that we waive the late payment penalty for those fees due to the confusion regarding the FY 2002 payment.

While we are sympathetic to Rolling Plain's circumstances and apologize for the inadvertent billing of KVRP-FM for the FY 2002 regulatory fee that had already been paid, our statute and rules do not allow us to provide the relief requested. In establishing the Commission's regulatory fee program, Congress designated each fiscal year's fees to recover the costs of the Commission's regulatory activities for that particular fiscal year.

See 47 U.S.C. § 159(a). The statute also provides that fees be collected "during each fiscal year" in an "amount that can reasonably be expected to equal the amount appropriated for such fiscal year." 47 U.S.C. § 159(b)(1)(B) Further, Congress established that moneys collected shall be deposited as an offsetting collection for that year's appropriations. See 47 U.S.C. § 159(e). As such, the funds collected each fiscal year are treated separately. Therefore, the FCC is unable to credit an overpayment of a regulatory fee from one year to a regulatory fee due in a subsequent year. Accordingly, we will refund to Rolling Plains Broadcasting Co. the \$625.00 for the overpayment made by KVRP-FM for its FY 2002 regulatory fee and the late payment penalty. A check, made payable to the maker of the original check and drawn in the amount of \$625.00 will be sent to you at the earliest practicable time.

With regard to the FY 2003 regulatory fees for Stations KVRP(AM) and KVRP-FM, the Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. While we acknowledge and regret any confusion resulting from the overpayment of the FY 2002 regulatory fee for KVRP-FM, we find that Rolling Plains Broadcasting Co. still was obligated to pay the FY 2003 regulatory fees for Stations KVRP(AM) and KVRP-FM in a timely manner. Since we received Rolling Plains' FY 2003 regulatory fee payments in October, 2003, it did not meet its obligation to pay those fees by September 25, 2003, the final date of the filing window for FY 2003 regulatory fees. We therefore deny your request for waiver of the penalty for late payment of the FY 2003 regulatory fees for Stations KVRP (AM) and KVRP-FM.

Payment of KVRP (AM)'s late payment penalty of \$81.25 and KVRP-FM's late payment penalty of \$156.25 for FY 2003 is now due. The total late payment penalty of \$237.50 must be filed together with a Form 159 (copy enclosed), within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark A. Reger

Chief Financial Officer

Enclosure

### GAMMON & GRANGE, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

ROBERT B ADAMS†
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STEPHEN S. KAO
STEPHEN H. KING
NANCY OLIVER LESOURD
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TIMOTHY R. OBITTS
SCOTT J WARD
MICHAEL J. WOODRUFF, PC †

SEVENTH FLOOR 8280 GREENSBORO DRIVE MCLEAN, VA 22102-3807

TELEPHONE (703) 761-5000 FACSIMILE (703) 761-5023

WEB SITE WWW GG-LAW COM E-MAIL GG@GG-LAW.COM

\*NOT ADMITTED IN VIRGINIA † OF COUNSEL RECEIVED

November 18, 2003

NOV 1 8 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marlene H. Dortch, Secretary Federal Communications Commission 236 Massachusetts Avenue, N.E., Suite 110 Washington, D.C. 20002

- BY HAND --

Re:

Request for refund of overpaid regulatory fees and waiver of late fees

Rolling Plains Broadcasting Corporation

KVRP-FM, Haskell, Texas (Facility ID: 57464) KVRP(AM), Stamford, Texas (Facility ID: 57475)

Dear Ms. Dortch:

We are writing to request that the FCC refund \$625, which Rolling Plains Broadcasting Corp. ("Rolling Plains") overpaid for 2002 regulatory fees for KVRP-FM (Haskell, TX), and waive any late charges for the 2003 regulatory fees filed by Rolling Plains for KVRP-FM and KVRP (AM) (Stamford, TX).

In September, 2002, Rolling Plains paid \$775 to the Commission via Master Card to cover 2002 regulatory fees for KVRP (AM) and KVRP-FM (see attached MasterCard statement and check). Apparently, the Commission applied this entire amount to KVRP (AM), for which the regulatory fee was \$275. Accordingly, the Commission sent Rolling Plains a late notice for KVRP-FM regulatory fees, dated 7/7/03 (see attached notice), requesting "unpaid regulatory fee of \$500.000 and 25% penalty of \$125," for a total of \$625. Forgetting that Rolling Plains had already paid for the 2002 regulatory fees by MasterCard, an officer of Rolling Plains sent the Commission a check for \$625 dated August 11, 2003 (see attached check). We request that the Commission refund this \$625 to Rolling Plains Broadcasting Corp. as soon as possible, to the following address:

Rolling Plains Broadcasting Corp. P.O. Box 1118 Haskell, TX 79521 ATTN: Nelda Lane

During the months of September and October, 2003, Rolling Plains' legal counsel had numerous discussions with the Commission's regulatory fee staff to clarify and correct this overpayment, and

READ INSTRUCTIONS CART FOLLY RELORD PROCRETING

## REMITTANCE ADVICE

Approved by OMB 3080-0589 Tage NS\_\_ of\_\_

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Bill Number	Т	Bill Date		1-202-418-1995		
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Total Amount Duc				Duc Date		
\$625.00	Total A	nount Due Must Be F	eceived By	8/11/03		
Please attach a copy of this bill to y Payment Type Code  0247	our payment to ensu Quantity	, 1	Fee Due 5500.00	\$500.00		
0299			8125.00	\$125.00		
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#### Non-Public For Internal Use Only

#### RAMIS ACCOUNT RECEIVABLES

Wednesday January

**Check Number Query Report** 

FEE Control Number

0311038835220005

Customer FRN

0006165526

FRN Name

ROLLING PLAINS

BROADCASTING CORP

Check Number

Receipt Amount

279580000000

.79380000000

\$625 00

Date Received

10/31/2003

(103)



#### Non-Public For Internal Use Only

#### RAMIS ACCOUNT RECEIVABLES

Wednesday, January 0

#### **Check Number Query Report**

FEE Control Number

0311038835220004

Customer FRN

0006165526

FRN Name

ROLLING PLAINS BROADCASTING CORP

Check Number 279590000000

Date Received

10/31/2003

Receipt Amount

\$325 00

1 of 2

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AR012-A	1/02/200	8.30.57

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc. RECEIPTS DETAIL REPORT SORTED BY TRANSACTION DATE, CD No., FEE CONTROL NO

PAGE 1 1/07/2004 8:30:57

RECEIPT AMOUNT TRANSACTION
DATE
10/31/03

Tin Number

FCC Code 2:

Seq 1 Call Sign: KVRPFM FCC Code 1:
Applicant Name: ROLLING PLAINS BROADCASTING CO
Address: PO BOX 1118

CD NO CD DATE FEE CONTROL NO 560838 11/03/03 0311038835220005

O006165526 ROLLING PLAINS BROADCASTING CO

\$625.00

Total Receipt:

\$625.00

Total Applied

Cool to

AR012-A 1/07/2004 9.00.25

# RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc. RECEIPTS DETAIL REPORT SORTED BY TRANSACTION DATE, CD No., FEE CONTROL NO

PAGE 1 1/07/2004 9:00:25

TRANSACTION

CD No	CD DATE FEE CONTR	OL NO	FRN	PAYER NAME			DATE	RECEIPT AMOUNT
560838	11/03/03 03110388	5220004	0006165526	ROLLING PLAINS	BROADCASTING	co 10	/31/03	\$325.00
Applicant	Seq: 0329 Name: ROLLING PLAIN PO BOX 1118		RP FCC Applied Amt.	Code 1: 325.00	FCC Cod	de 2:	•	Tin Number
			Total Applied	:	\$325.00	Total Receipt	:	\$325.00

FY 2003

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# RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc. RECEIPTS DETAIL REPORT SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

Total Applied:

PAGE 1 1/07/2004 9:18:28

CD No.	CD DATE FEE CONTROL No	FRN PAYER NAME		TRANSACTION DATE	RECEIPT AMOUNT		D'1
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560838	11/03/03 0311038835220004	0006165526 ROLLING PLAINS BROA	ADCASTING CO	10/31/03	\$325 00	EFf03	,
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Applicant	Seq. 1 Cal 0347 QTY. Name ROLLING PLAINS BROADCAS 00 BOX 1118	l Sign. KVRPFM FCC Code 1 1 Applied Amt: 625 00 TING CO	FCC Code 2:		Tin Number:	• •	

Total Receipt

\$1,575.00

FRN 0006165526

\$1,575.00



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### **Historical Collections System**

Historical Collections System

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	<b>■</b> Washington Co	llections Data							
	Fee Control Number	Payer Name	Payment Amount	Overage Amount	Remittance ID	Payment Type	Date Received	CD Number	Elect. Audit Code
	0009158835870002	ROLLING PLAINS BROADCASTING CO	\$600.00	\$0.00		CREDIT CARD	09/13/2000	409354	
	0103308180007010	GAMMON & GRANGE PC	\$100 00	\$0.00	12331	CHECK	03/29/2001	710619	
7	0109138835843001	LANE, KENNETH	\$700.00	\$0 00	5417115402000683	CREDIT CARD	09/10/2001		
-	0209128835861001	LANE, KENNETH	\$775 00	\$0.00	5417115402000683	CREDIT CARD	09/03/2002	474929	
	0303058180882692	Gammon & Grange, P C	\$100.00	\$0 00		CREDIT CARD	03/05/2003	490018	326908
	0311038835220004	ROLLING PLAINS BROADCASTING CO	\$325.00	\$0.00	27959	CHECK	10/31/2003	560838	
	0311038835220005	ROLLING PLAINS BROADCASTING CO	\$625.00	\$0.00	27958	CHECK	10/31/2003	560838	
	9504048180022002	GAMMON & GRANGE P C	\$90 00	\$45 00	004794	CHECK	04/03/1995	9999	
	<u>9508288835400002</u>	ROLLING PLAINS BROADCASTING CO	\$1,430.00	\$0.00	16196	CHECK	08/25/1995	9999	
	9609138835077003	ROLLING PLAINS BROADCASTING CO	\$2,220 00	\$0.00	20874	CHECK	09/12/1996	778486	
	9703288190160010	GAMMON & GRANGE PC	\$125.00	\$0 00	7433	CHECK	03/27/1997	852396	
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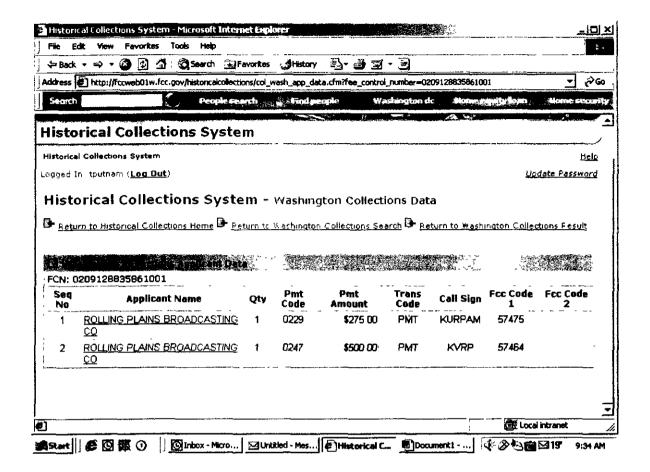
9703318180476006	GAMMON & GRANGE PC	\$90.00	\$0 00	7427	CHECK	03/28/1997	852395
9709238835398008	ROLLING PLAINS BROADCASTING CO	\$1,750.00	\$0.00	22105	CHECK	09/22/1997	000000
9808318835324005	ROLLING PLAINS BROADCASTING CO	\$600.00	\$0.00	23064	CHECK	08/14/1998	000000
9909038835509016	ROLLING PLAINS BROADCASTING CO	\$655 00	\$0.00	24114	CHECK	09/02/1999	223841
9408158835824001	ROLLING PLAINS BROADCASTING CO	\$1,100.00	<b>\$0.00 5417</b> 1	115402000683	CREDIT CARD	08/11/1994	9999

#### FY 2003 AM and FM Radio Station Regulatory

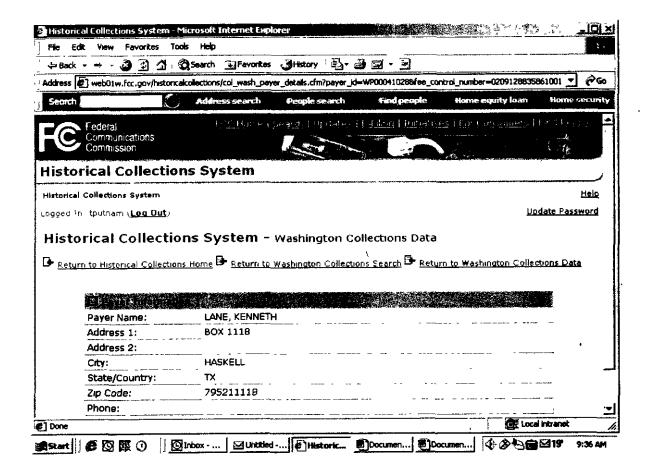
Çali	Service	Facility ID	City of License	State	Class	Status	Radio Population	Т	fee	feecode
KVOX-FM	FM	35864	MOORHEAD	MN	C1	LIC	150,001 - 500,000	\$	2,650	0350
KVOZ	AM	6429	DEL MAR HILLS	TX	В	LIC	150,001 - 500,000	\$	1,925	0326
KVPA	FM	40680	PORT ISABEL	TX	C2	LIC	75,001 - 150,000	\$	2,025	0349
KVPI	AM	70233	VILLE PLATTE	LA	D	LIC	25,001 - 75,000	\$	600	0336
KVPI-FM	FM	70234	VILLE PLATTE	LA	Α	LIC	< = 25,000	\$	475	0341
KVRC	AM	24734	ARKADELPHIA	AR	С	LIC	< = 25,000	\$	325	0329
KVRD-FM	FM	35865	COTTONWOOD	AZ	СЗ	LIC	25,001 - 75,000	\$	950	0342
KVRE	FM	8150	Hot Springs Village	AR	Α	LIC	25,001 - 75,000	\$	950	0342
KVRH	AM	1019	SALIDA	CO	С	LIC	< = 25,000	\$	325	0329
KVRH-FM	FM	1020	SALIDA	CO	C3	LIC	< = 25,000	\$	475	0341
KVRO	FM	51822	STILLWATER	OK	Α	LIC	25,001 - 75,000	\$	950	0342
KVRP	AM	57475	STAMFORD	ΤX	C	LIC	< = 25 000	\$	325	0329
KVRP-FM	FM	57464	HASKELL	TX	C1	LIC	< = 25,000	\$	625	0347
KVRV	FM	51218	MONTE RIO	CA	B1	LIC	150,001 - 500,000	\$	2,025	0344
KVRW	FM	2894	LAWTON	OK	C2	LIC	75,001 - 160,000	\$	2,025	0349
KVSA	AM	61187	MCGEHEE	AR	D	LIC	<= 25,000	\$	400	0335
KVSF	AM	59101	SANTA FE	NM	C	LIC	75,001 - 150,000	\$	650	0331
KVSH	AM	26612	VALENTINE	NE	D	LIC	<= 25,000	\$	400	0335
KVSI	AM	67811	MONTPELIER	ID.	С	LIC	< = 25,000	\$	325	0329
KVSL	AM	33693	SHOW LOW	AZ	С	LIC	< = 25,000	\$	325	0329
KVSN	AM	20298	TUMWATER	WA	С	LIC	75,001 - 150,000	\$	650	0331
KVSO	AM	11182	ARDMORE	ОK	С	LIC	25,001 - 75,000	\$	475	0330
KVSP	AM	63794	OKLAHOMA CITY	ÖK	D	LIC	500,001 - 1,200,000	\$	2,000	0339

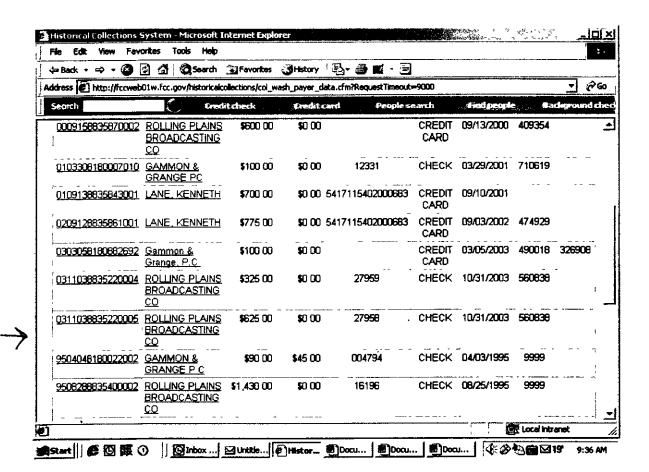
### FY 2002 AM and FM Radio Regulatory Fees

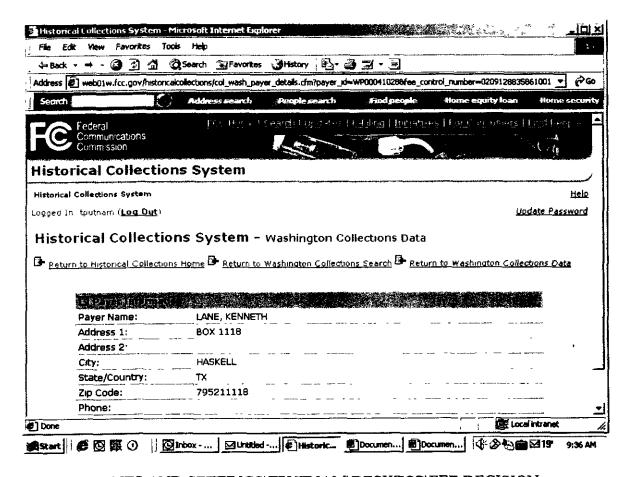
Call Sign	Service	City of License	State	Class	Pop. Served		<u>Fee</u>	Fee Code	
KVPI-FM	FM	Ville Platte	LĀ	Α	18,354	44	375	0241	
KVRC	AM	Arkadelphia	AR	С	17,022	\$	275	0229	
KVRD-FM	FM	Cottonwood	AZ	C3	32,826	\$	725	0242	ł
KVRE	FM	Hot Springs Village	AR	Α	32,933	\$	725	0242	
KVRH	AM	Salida	CO	С	8,668	\$	275	0229	1
KVRH-FM	FM	Salıda	co	C3	8,916	\$	375	0241	l l
KVRI	AM	Blaine	WA	В	85,256	\$	975	0225	
KVRO	FM	Stillwater	ОК	Α	46,677	\$	725	0242	]
KVRP	AM	Stamford	TX	C	9,203	\$	275	0229	<b> </b>
KVRP-FM	FM	Haskell	TX	C1	13,973	\$	500	0247	4
KVRW	FM	Lawton	OK	C2	146,383	\$	2,250	0250	
KVSA	AM	Mcgehee	AR	В	12,056	\$	375	0223	
KVSF	AM	Santa Fe	NM	В	109,504	\$	975	0225	
KVSH	AM	Valentine	NE	В	4,778	\$	375	0223	
KVSI	AM	Montpelier	ID	С	4,966	\$	275	0229	
KVSL	AM	Show Low	AZ	С	19,217	\$	275	0229	ł
KVSN	AM	Tumwater	WA	В	98,870	\$	975	0225	]
KVSO	AM	Ardmore	OK	С	58,435	\$	525	0231	
KVSP	AM	Oklahoma City	ОК	D	921,071	\$	1,700	0239	
KVSR	FM	Fresno	CA	В	642,281	\$	3,125	0251	
KVST	FM	Willis	TX	C3	101,238	\$	975	0243	1
KVSV	AM	Belort	KS	В	13,629	\$	375	0223	]
KVSV-FM	FM	Beloit	KS	C2	8,890	\$	500	0247	



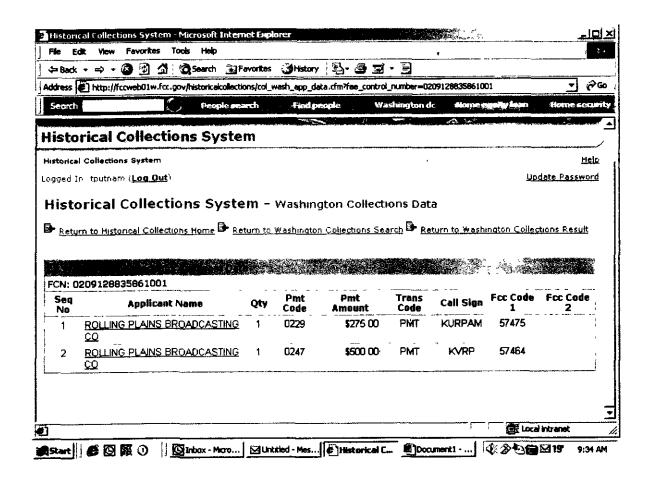
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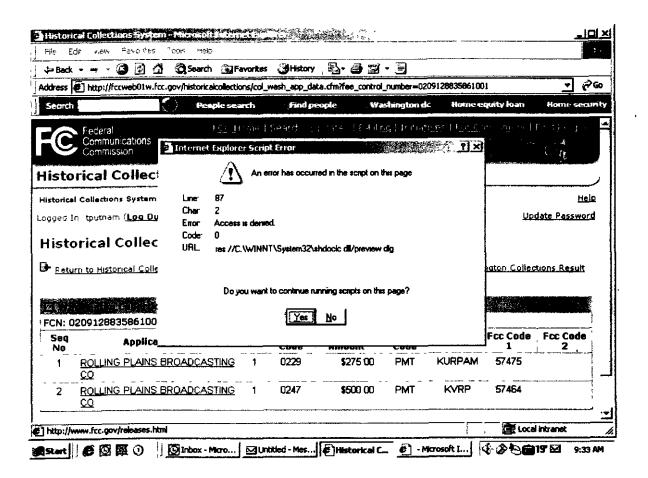


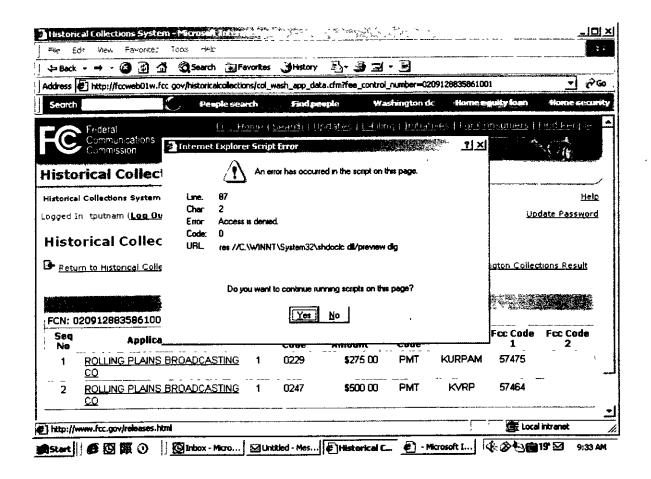


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#### KVRP-FM

FY 2002

AMT DUE

\$ 500.00 PAID FCN 0209128835861001

0308148835314004 TO BE REFUNDED

FY 2003

\$ 625.00 PAID LATE FCN 0311038835220004

KVRP-AM

FY 2002

AMT DUE

\$ 275.00 PAID FCN 0209128835861001

FY 2003

\$ 325 00 PAID LATE FCN 0311038835220004

SUMMARY

AMOUNT OF REFUND \$ 625.00 (500 & 125)

LATE PAYMENT PENALTY DUE

\$ 950.00 X 25 % = \$ 237.50